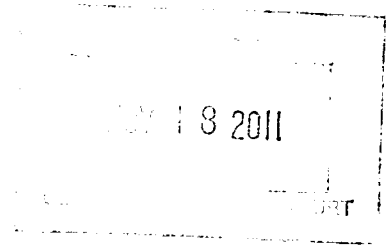


COMMONWEALTH OF VIRGINIA
STATE CORPORATION COMMISSION



VIRGINIA, in the

UNITED STATES DISTRICT COURT
of the
EASTERN DISTRICT OF VA
401 COURTHOUSE SQ
ALEXANDRIA, VA 22314

HILDA L SOLIS, SECRETARY OF LABOR

vs Case/File/Matter Number: 1:11 CV1073

GLOBALFON, INC.

CERTIFICATE OF COMPLIANCE

I hereby certify that a copy of the process, notice, order or demand in the above-styled matter served upon the Clerk of the State Corporation Commission pursuant to § 12.1-19.1 of the Code of Virginia as statutory agent was mailed on November 17, 2011 by First Class mail to the following:

GLOBALFON, INC.
13655 DULLES TECHNOLOGY DR STE 150
HERNDON, VA 23219

Dated: November 17, 2011


Joel H. Peck
Clerk of the Commission

Enclosures

SERVOP
CIS0317
11-11-16-1605



SOP-19.1
(07/10)

COMMONWEALTH OF VIRGINIA
STATE CORPORATION COMMISSION

SERVICE OF PROCESS, NOTICE, ORDER OR DEMAND
ON THE CLERK OF THE STATE CORPORATION COMMISSION
AS STATUTORY AGENT

1. The service being made relates to the following proceeding:

Style of Proceeding: Hilda L. Solis, Secretary of Labor, Department of Labor v. GlobalFon Inc.
(e.g. name of the plaintiff vs. name of the defendant, or In the matter of..., etc.)

Case/File/Matter No. 1:11cv1073

Proceeding Pending in Eastern District of Virginia Federal District Court
(Jurisdiction) (Name of Court or Tribunal)

Court's Mailing Address: Albert V. Bryan U.S. Courthouse, 401 Courthouse Square, Alexandria, VA 22314

2. Service is being made on the Clerk of the State Corporation Commission pursuant to Virginia Code §§ 12.1-19.1 and (mark the appropriate box):

<input type="checkbox"/> 13.1-637 B	<input type="checkbox"/> 13.1-920 E	<input type="checkbox"/> 38.2-801	<input type="checkbox"/> 50-73.135 G
<input type="checkbox"/> 13.1-758 F	<input type="checkbox"/> 13.1-928 B	<input type="checkbox"/> 38.2-809	<input type="checkbox"/> 50-73.139 A 3
<input type="checkbox"/> 13.1-766 B	<input type="checkbox"/> 13.1-931 E	<input type="checkbox"/> 38.2-1216	<input type="checkbox"/> 50-73.140
<input type="checkbox"/> 13.1-767 E	<input type="checkbox"/> 13.1-1018 B	<input type="checkbox"/> 50-73.7 B	
<input checked="" type="checkbox"/> 13.1-769 E	<input type="checkbox"/> 13.1-1056 A 3	<input type="checkbox"/> 50-73.58 A 3	
<input type="checkbox"/> 13.1-836 B	<input type="checkbox"/> 13.1-1057 E	<input type="checkbox"/> 50-73.59 E	
<input type="checkbox"/> Other Va. Code Section or statutory authority (Specify): _____			

3. Pursuant to the foregoing legal authority, the Clerk of the State Corporation Commission is being served as statutory agent of GlobalFon, Inc

(name of business entity)

The mailing address of the defendant (business entity) being served (one address per form) is

<u>13655 Dulles Technology Drive, Ste 150</u>	<u>Herndon</u>	<u>VA</u>	<u>23219.</u>
(number/street, P.O. Box, Rural Route, etc.)	(city or town)	(state)	(zip code)

4. Send the Commission's receipt for the payment of the fee for service on the Clerk to:

Name: Hilda L. Solis, Secretary of Labor, U.S. Department of Labor

Attn: Candyce D Phoenix, Esq.

Address: <u>1100 Wilson Boulevard, 22nd Floor West</u>	<u>Arlington</u>	<u>VA</u>	<u>22207-2247</u>
(number/street, P.O. Box, Rural Route, etc.)	(city or town)	(state)	(zip code)

Telephone No: (202) 693-5698
(optional)

AN ORIGINAL AND ONE COPY OF THIS FORM MUST BE SUBMITTED
ALONG WITH TWO COPIES OF THE PAPERS TO BE SERVED
SEE INSTRUCTIONS ATTACHED

UNITED STATES DISTRICT COURT

for the

Eastern District of Virginia

Hilda L. Solis, Secretary of Labor, United States
Department of Labor

Plaintiff

v.

GlobalFon, Inc.

Defendant

Civil Action No. 1:11cv1073

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) GlobalFon, Inc.
SERVE: c/o The Corporation Service Company
Bank of America Center, 16th Floor
1111 East Main Street
Richmond, VA 23219

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

J. Matthew McCracken
Office of the Regional Solicitor
U.S. Department of Labor
1100 Wilson Boulevard, 22nd Floor West
Arlington, Virginia 22207-2247

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date:

October 4, 2011

Tina L. Fitzgerald
Signature of Clerk or Deputy Clerk

UNITED STATES DISTRICT COURT

for the

Eastern District of Virginia

Hilda L. Solis, Secretary of Labor, United States
Department of Labor

Plaintiff

v.

GlobalFon, Inc.

Defendant

Civil Action No. 1:11CV1073

SUMMONS IN A CIVIL ACTION

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J. Matthew McCracken
Office of the Regional Solicitor
U.S. Department of Labor
1100 Wilson Boulevard, 22nd Floor West
Arlington, Virginia 22207-2247

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: October 4, 2011

Tina L. Fitzgerald
Signature of Clerk or Deputy Clerk

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA

FILED

HILDA L. SOLIS, SECRETARY OF LABOR,
UNITED STATES DEPARTMENT OF LABOR,

Plaintiff,

v.

GLOBALFON, INC.,

Defendant.

2011 OCT -4 P 1:34

CLERK US DISTRICT COURT
ALEXANDRIA, VIRGINIA

Civil Action No. 1:11cv1073

AST/TRS

COMPLAINT

Hilda L. Solis, Secretary of Labor, United States Department of Labor, hereby alleges:

JURISDICTION AND VENUE

1. This action arises under the Employee Retirement Income Security Act of 1974, 29 U.S.C. § 1001, *et seq.*, and is brought to obtain relief under sections 409 and 502 of the Act, 29 U.S.C. §§ 1109 and 1132, in the form of equitable remedies that will redress violations, obtain appropriate equitable relief for breaches of fiduciary duty under the Act, § 409, 29 U.S.C. § 1109, and obtain such further equitable relief as may be appropriate to enforce the provisions of Title I of the Act.

2. This Court has subject matter jurisdiction over this action pursuant to section 502(e)(1) of the Act, 29 U.S.C. § 1132(e)(1).

3. Venue with respect to this action lies in the Eastern District of Virginia, pursuant to section 502(e)(2) of the Act, 29 U.S.C. § 1132(e)(2).

4. The GlobalFon, Inc. 401(k) Plan is an employee benefit plan within the meaning of section 3(3) of the Act, 29 U.S.C. § 1002(3), and is therefore subject to the coverage of the Act pursuant to section 4(a) of the Act, 29 U.S.C. § 1003(a).

5. GlobalFon, Inc. ("GlobalFon"), a Delaware corporation, is the Administrator and Sponsor of the Plan. GlobalFon had a place of business located in Herndon, VA.

6. For purposes of this Complaint, the relevant period is defined as 2009 to date.

THE PARTIES

7. The Secretary, pursuant to sections 502(a)(2) and (5) of the Act, 29 U.S.C. §§ 1132(a)(2) and (5), has the authority to enforce the provisions of Title I of the Act by, among other means, the filing and prosecution of claims against fiduciaries and others who commit violations of the Act.

8. GlobalFon is the Administrator of the Plan and the Plan Sponsor. During some or all of the relevant time period, GlobalFon has exercised discretionary authority and discretionary control respecting management of the Plan, has exercised authority and control respecting management and disposition of the Plan's assets and had discretionary authority and discretionary responsibility in the administration of the Plan. GlobalFon is therefore a fiduciary to the Plan within the meaning of the Act, § 3(21), 29 U.S.C. § 1002(21), and a party in interest with respect to the Plan within the meaning of the Act, § 3(14)(A), 29 U.S.C. § 1002(14)(A).

GENERAL ALLEGATIONS

9. On or about April 1, 2003, GlobalFon established the Plan to provide benefits to its employees in the event of retirement, death, or disability and upon termination of employment.

10. In 2009, GlobalFon ceased operations. GlobalFon has not taken fiduciary responsibility for the operation and administration of the Plan and its assets, nor has it appointed anyone to assume said responsibility on an on-going basis.

11. Plan participants were terminated from the company in 2009 when the company ceased operations, but those participants have not able to obtain a distribution from the Plan because GlobalFon has not initiated termination of the Plan and distribution of the assets.

12. As of June 2010, the Plan had thirteen (13) participants and \$354,431.02 in Plan assets.

VIOLATIONS

13. Pursuant to Rule 10(c) of the Federal Rules of Civil Procedure, the Secretary adopts by reference the averments and allegations of paragraphs 1-12 inclusive.

14. By the actions and conduct described above, GlobalFon, as fiduciary of the Plan,
- a. failed to discharge its duties with respect to the Plan solely in the interest of the participants and beneficiaries and for the exclusive purpose of providing benefits to participants and its beneficiaries and defraying reasonable expenses of administering the Plan, in violation of the Act, § 404(a)(1)(A), 29 U.S.C. § 1104(a)(1)(A); and
 - b. failed to discharge its duties with respect to the Plan solely in the interest of the participants and beneficiaries and with the care, skill, prudence, and diligence under the circumstances then prevailing that a prudent man acting in a like capacity and familiar with such matters would use in the conduct of an enterprise of a like character and with like aims, in violation of the Act, § 404(a)(1)(B), 29 U.S.C. § 1104(a)(1)(B).

PRAYER FOR RELIEF

WHEREFORE, the Secretary prays that this Court enter an order:

- A. Removing defendant GlobalFon from its position as fiduciary with respect to the Plan and appointing an independent fiduciary to administer the Plan in order to effectuate its termination and the distribution of Plan assets to the Participants and beneficiaries; and
- B. Awarding such further relief as is appropriate and just.

M. Patricia Smith
Solicitor of Labor

Catherine Oliver Murphy
Regional Solicitor

Candyce D. Phoenix
Attorney

U.S. DEPARTMENT OF LABOR

Respectfully submitted,


J. Matthew McCracken

Attorney
Office of the Solicitor
Twin Towers
1100 Wilson Boulevard, 22nd Floor West
Arlington, VA 22209-2247
(202) 693-9376
(202) 693-9392 (fax)
VSB 31475

Date: October 4, 2011

Attorneys for the Plaintiff